



UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 12

In re application of
Mark E. Fagan et al.
Serial No. 09/185,208
Filed: November 3, 1998
For: FILLED LAB PATTERN-COATED FILMS

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed December 14, 2000, for failure to respond to the office action dated January 21, 2000. Applicants' assert that a response was filed in a timely manner, on July 21, 2000.

DECISION

Since petitioner asserts that the papers were filed in a timely manner, the request is accepted as a petition under 37 C.F.R. 1.181 (no fee). A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence is sufficient to establish that applicants did indeed file the papers in a timely manner. The submitted evidence are copies of the response with a certificate of mailing dated July 21, 2000. Further, the file record indicates that an telephonic interview with the examiner in August 2000 indicating that the response was not received, and in response applicants promptly faxed in a copy of the missing response on August 18, 2000, which was inside the file.

Therefore, the Notice of Abandonment of August 29, 2000 is hereby withdrawn. Hence, the case is returned to pending status. The application shall be returned to the LIE for entering of the response and three month extension of time. After such is completed, the case will then be forwarded to the examiner for prompt consideration.

The Petition is GRANTED.

A handwritten signature in cursive script, reading "Richard V. Fisher", is written over a horizontal line.

Richard V. Fisher, Director
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